



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	
Patricia A. Bergin, RN	:	ADMINISTRATIVE ACTION
License No. 26NO06762700	:	
	:	
	:	FINAL ORDER OF
	:	DISCIPLINE
TO PRACTICE NURSING IN THE STATE	:	
OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Patricia A. Bergin ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 1, 2014, Respondent completed and submitted an online biennial renewal for the period of June 1, 2012 to May 31, 2014.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent

answered "Yes" and certified that answer by submitting the online application.

4. Upon receipt of a flagging notice indicating that Respondent was arrested on May 4, 2014 by the Deal Police Department for violation of N.J.S.A. 2C:12-1A (Simple Assault), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Interlaken, New Jersey, via regular and certified mail on or about May 19, 2014. The regular mailing was not returned. The United States Postal Service track and confirm system indicates that the certified mailing was delivered in Interlake on May 23, 2014.

5. Respondent partially responded to the Board's letter of inquiry by providing a copy of the police report with all supporting statements. Respondent additionally provided a copy of the municipal court complaint, with an accompanying letter from Respondent's attorney maintaining that he anticipates that the charges against his client will be dismissed. (Exhibit E). The Board received no further communication from Respondent or her attorney. Respondent has failed to provide her court disposition, information about Respondent's employer at the time of her arrest (employer, job title, dates of employment, shift, type of unit worked, most recent performance evaluation), a detailed narrative

of Respondent's version of the conduct or events which led to her arrest, and proof that she is up to date with her continuing education.

CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to fully respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial periods of June 1, 2012 to May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f),

which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 17, 2014, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, providing documentation of dismissal of the charges against her on July 22, 2014, as well as providing other information and documentation requested in the Board's original letter of inquiry. This

documentation included certificates of completion of required continuing education. The Board considered this matter, and determined that suspension was no longer applicable, as all the information requested had been provided. In addition, the Board noted that the reprimand provisionally imposed for misrepresentation, and the \$250 civil penalty for the violation of N.J.A.C. 13:37-5.3 were not warranted, as respondent had demonstrated timely completion of her continuing education obligation. The Board determined, however, that the \$500 civil penalty for respondent's initial failure to fully respond to the Board was justified, as it should not be necessary for the Board to expend the time and resources necessary for the issuance of a Provisional Order so as to obtain information and documentation from its licensees.

ACCORDINGLY, IT IS on this 18th day of December, 2014,

ORDERED that:

1. Respondent is hereby assessed a civil penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this order. In the event Respondent fails to make a timely payment, a certificate of debt

shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. The Board reserves the right to initiate disciplinary proceedings based upon any information the Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN
Patricia Murphy, PhD, APN
President